

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :  
 :  
 :  
 v. : File No. 2:05 CR 13  
 :  
 SIMAO MONTEIRO :  
 a/k/a Simon Monteiro :  
 a/k/a Alvaro Monteiro :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed August 19, 2005. Defendant's objections were filed September 2, 2005.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

The motion to suppress (Paper 13) is **DENIED**.<sup>1</sup>

---

<sup>1</sup> The report and recommendation incorrectly refers to defendant's motion as paper 7 when in fact it is paper 13.

Dated at Burlington, in the District of Vermont, this 8th  
day of September, 2005.

/s/ William K. Sessions III

William K. Sessions III

Chief Judge